

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James H. Brown and Robin E. Brown,) C/A No. 3:08-2901-JFA
)
Plaintiffs,)
)
v.)
)
D.R. Horton, Inc.,)
)
Defendant.)
)

This matter came before the court on August 6, 2010, upon defendant's motion to compel compliance with a third party subpoena. The court previously dismissed this action without prejudice and ordered the parties to arbitrate. Thereafter, they entered into a contract agreeing to arbitrate pursuant to the provisions of the South Carolina Uniform Arbitration Act. That statute commands that the parties present any disputes regarding discovery to the courts of "this State."

At this time, the court will respectfully decline to involve itself in this discovery dispute. The parties, by contract, agreed to abide by state law which requires them to go to the state courts to enforce a subpoena. Moreover, this court dismissed this action without prejudice and therefore lacks jurisdiction over the matter. For these reasons, the motion is dismissed without prejudice for lack of this court's jurisdiction.

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

August 6, 2010
Columbia, South Carolina